

REMARKS

Claims 36-65 are pending in the present application. Claim 65 was amended in this response. Support for the amendment may be found, for example, on page 15 of the amended specification. Favorable reconsideration is respectfully requested.

Claims 36-46 and 56-65 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Grimlund* (WO 94/29981) in view of *Kronestedt* (US Patent 6,298,095). Claims 47-55 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Grimlund* (WO 94/29981) in view of *Kronestedt* (US Patent 6,298,095 and further in view of *Bruckert et al.* (US Patent 5,812,542). Applicant respectfully traverses these rejection. Favorable reconsideration is respectfully requested.

Specifically, the cited art, alone or in combination, does not teach “switching, during interruption phases, the mobile station to reception of the data packets to be detected and transmitted by the second base station using the second transmission method, wherein the reception of data packets to be detected and the characteristic data packets occurs parallel” as recited in claim 36, and similarly recited in claims 47 and 56 (“simultaneous”).

The Office Action conceded that *Grimlund* fails to teach or suggest the above features and, as a result, relies on *Kronestedt* in allegedly solving the deficiencies of *Grimlund*. Applicant submits that this reliance on *Kronestedt* is in error. *Grimlund* discloses a system and method for CDMA communication handoff where the characteristic data packet in a “compressed mode” is received first (i.e., serially), processed, and then continues with obtaining the data packets to be detected (page 9, lines 19-25). *Grimlund* makes clear that the “make-before-break” configuration (1) maintains communication with the old base station(s), (2) establishes a new link during the idle part of the frame, and (3) establishes a new link, and then (4) synchronizes with the new link. *Grimlund* also discloses that the “compressed mode” handover (make-before-break) places the mobile station in a macro-diversity mode (page 9, line 26 - page 10, line 2) that requires the base stations to each have the same transmission mode and duty cycle for any given frame (page 11, lines 7-11). Thus *Grimlund* also fails to teach or suggest a first and second transmission method as recited in the present claims.

Regarding *Kronestedt*, the reference merely states that “[a]ccording to the GSM specification, data bits communicated with the FB and SB formats are non-interleaved and are

mapped on a single time-slot, i.e., time-slot 0, of a RF channel carrying the control channels used for call set-up procedure of a RF signal carrying the BCH and CCCH on a single burst" (col. 1, line 66 - col. 2, line 4). First of all, this disclosure teaches away from *Grimlund* in that the "non-interleaved" data bits would never possess any type of interruption phase. Second, *Kronestedt* is directly addressing GSM communication, which is clearly not contemplated in *Grimlund*. It is not understood by the Applicant how the stated motivation of being able to "comply with the GSM specification" is applicable to technology disclosed in *Grimlund* that doesn't make use of any of the GSM protocols. Moreover, the present claims use the term "data packets to be detected" which is recited separate from the characteristic data packets and demonstrates a chronological placement of each type of data packet. Using the Office Action's rationale regarding *Kronestedt*, there would never be any data packets "to be detected," since they would always allegedly be received at the same time. The teaching in *Kronestedt* clearly fails to solve the deficiencies of *Grimlund*, discussed above.

Applicants have further amended claim 65 to clarify that the time frames in which the characteristic data packet and data packet to be detected are different. This clearly distinguishes the claims from the cited prior art. As such, Applicant respectfully submits that the rejection under 35 U.S.C. §103 is also improper. Withdrawal of the rejection is respectfully requested.

In light of the above, Applicants respectfully submit that claims 36-65 are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket no. (0112740-197) on the account statement.

Respectfully submitted,

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